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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,988	06/30/2000	Aly Aarestrup Michaelsen	042390.P8721	1437

7590

07/15/2004

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,988

Applicant(s)

MICHAELSEN, ALY AARESTRUP

Examiner

Barbara N Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Office Action is in response to Applicant's Request for Continuation Examination filed April 22, 2004. Claims 1-20 are presented for further examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-8, 10-13, 16-17, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al. (hereinafter "Wilson", US 2001/0033650).

As per claims 1, 7, 10, 16, Wilson discloses a method comprising:

- receiving a data signal formatted according to a data communication protocol at a first data communication platform (paragraphs [0087], [0088]);
- determining if the data communication protocol is supported by the first data communication platform (paragraphs [0087], [0088], [0090]); and
- indicating to a second data communication platform to receive the data signal at a by-pass path of a filter engine of the second data communication platform if it is determined that the data communication protocol is supported by the first data communication platform (paragraphs [0087], [0088], [0091]-[0094]).

As per claims 2, 11, 17, Wilson discloses the method of claim 1, wherein the data signal is a first data signal and the data communication protocol is a first data communication protocol, the method of claim 1 further comprising:

- receiving a second data signal formatted according to a second data communication protocol at the first data communication platform (Abstract, paragraphs [0087], [0088]);
- determining if the second data communication protocol is supported by the second data communication platform (paragraphs [0087], [0088], [0090]); and
- Indicating to the second data communication platform to process the data signal with the filter engine if it is determined that the second data communication protocol is supported by the second data communication platform (paragraphs [0087], [0088], [0091]-[0094]).

As per claims 3, 8, 12, Wilson discloses the method of claim 1, wherein said receiving comprises receiving the data signal formatted according to the data communication protocol at a network processor (paragraph [0091]).

As per claim 4, 13, 19, Wilson discloses the method of claim 1, wherein said determining comprises determining if the data communication protocol is included in a pre-stored plurality of data communication protocols (paragraphs [0087], [0088], [0090]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Crayford et al. (hereinafter "Crayford", 5,550,803).

As per claims 5, 14, 20, Wilson does not explicitly disclose the method of claims 1, wherein said indicating comprises tagging header information to the data signal. However, the use and advantages for using tagging header information is well known to one skilled in the relevant art at the time the invention was made as evidenced by Crayford (Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate tagging header information in Wilson's method in order to append information to the data portion of the data packet during an inter-packet gap period.

5. Claims 6, 9, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Scott et al. (hereinafter "Scott", 5,953,340).

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As per claims 6, 9, 15, 18, Wilson does not explicitly disclose the method of claim 1, wherein said indicating to the second data communication platform further comprises indicating to a network switch engine. However, the use and advantages for using a network switch engine is well known to one skilled in the relevant art at the time the invention was made as evidenced by Scott (column 10, lines 36-58).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate using a network switch engine in Wilson's method in order for the data to be filtered.

### ***Conclusion***

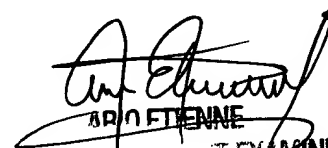
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess  
Examiner  
Art Unit 2157

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ARIO ETIENNE  
EXAMINER  
ER 2100

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